

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

United States District Court
Southern District of Texas
FILED

JUN 01 2015

CRIMINAL COMPLAINT

Case Number:

Alan Armando Burciaga-Juarez
A201 294 413 YOB: 1995Principal
Mexico

Clerk of Court M-15- 874 -M

2 Fredy Penalzoa-Ochoa
A208 169 912 YOB: 1991Co-Principal
Mexico

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 30, 2015 in Brooks County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Hilda Magaly Lopez-Ortiz, citizen Guatemala, and Luis Carlos Quinde-Bacuilima, citizen of Ecuador, along with five (5) other undocumented aliens, for a total of seven (7), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Hidalgo, Texas to the point of arrest in Encino, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 30, 2015, Aerostat 3, working the Highway 281 area, spotted a Chrysler Pacifica dropping off suspected illegal aliens on Lucero Road. Lucero Rd. is a dead end road connecting to Highway 281. Agents B. Wilson and H. Ortiz stationed themselves just south of where Lucero Rd. exits on Highway 281, and waited.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ NoApproval
Joseph Leonard

Signature of Complainant

Derek Conrow Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

June 1, 2015

Date

at McAllen, Texas
City and StateDorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 874 -M
RE: Alan Armando Burciaga-Juarez A201 294 413
Fredy Penaloza-Ochoa A208 169 912

CONTINUATION:

Aerostat operators followed the vehicle from the time it drooped off illegal aliens, until Agents Wilson and Ortiz stopped it on South Highway 281. The driver was identified as Alan Armando BURCIAGA-Juarez, an undocumented alien from Mexico, and was transported to the Falfurrias Border Patrol Station for processing.

Aerostat 3 was able to keep one camera on the eight people who exited the Pacifica, and assisted agents in apprehending them as they were travelling north in the brush from Lucero Rd. Aerostat operators were also able to identify the person leading the group as wearing a green shirt. All 8 UDAs were apprehended and transported to the Falfurrias Border Patrol Station for processing.

PRINCIPALS' STATEMENTS:

Both principals were read their rights. Alan Armando BURCIAGA-Juarez stated he was willing to provide a statement without a lawyer. Fredy PENALOZA-Ohcoa refused to make a statement without an attorney.

BURCIAGA claimed he was coming from a ranch and headed home. He claimed no knowledge of alien smuggling.

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- Hilda Magaly Lopez-Ortiz, a citizen of Guatemala, claimed her brother was charged for her to be smuggled into the United States, but she doesn't know how much. After illegally crossing the Rio Grande River, she was taken to 2 different houses by the smuggling organization. At the second house, in the morning, a man escorted the group of illegal aliens to a car that was waiting outside. There, he told the group of seven to board the car. Three were to lay down behind the driver, and the other four were to lay down in the rear area of the car. According to Lopez, the man who escorted them out of the house, boarded the passenger seat, and was wearing a green shirt. After driving for approximately one hour, the vehicle stopped and the man in the green shirt told the group to exit the car and follow him. Later, after being apprehended by Border Patrol, the man in the green shirt pretended to be part of the group. Lopez identified the man in the green shirt as Fredy PENALOZA-Ochoa.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-

874

-M

**RE: Alan Armando Burciaga-Juarez
Fredy Penaloza-Ochoa**

**A201 294 413
A208 169 912**

CONTINUATION:

2- Luis Carlos Quinde-Bacuilima, a citizen of Ecuador, claimed he was charged \$10,000 (USD) to be smuggled into the United States. After illegally crossing the river, Quinde was picked up by a car and taken to a house, and then a different house after a couple days. On the morning of the day he was arrested, Quinde claims he was taken to a parking lot, where the driver of the car exited and another boarded in his place. Though he did not see the driver at the time, he claims he knew it was a new driver because the voice was different. Quinde stated he was laying down behind the back seats. The vehicle departed and drove until the driver stopped and told the group to get out. According to Quinde, after exiting the vehicle, the group followed a man in a green shirt. Quinde identified Fredy PENALOZA-Ochoa as the man in a green shirt who he was following in the brush. Quinde also stated he could not identify the driver, however he does know the driver was wearing a red shirt, because Quinde saw it on the way out of the car.